

H-733-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application: S. TOKITA et al
USSN 09/247,809
Filed: February 11, 1999

Group Art Unit: 2633
Examiner: D. Tran
For: OPTICAL TRANSMITTER AND OPTICAL
TRANSMITTING APPARATUS
USING THE SAME

REQUEST FOR DIVISIONAL APPLICATION
UNDER 37 C.F.R. 1.53(b)

Assistant Commissioner of Patents

Box: Patent Application

Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 C.F.R. 1.53(b) of pending prior application Serial No. 09/247,809, filed February 11, 1999, entitled OPTICAL TRANSMITTER AND OPTICAL TRANSMITTING APPARATUS USING THE SAME, by all of the inventors named in the prior application.

1. Enclosed is a copy of the prior application, including the Declaration as originally filed.
2. The Filing Fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW
PLUS ANY CLAIMS ADDED BY ACCOMPANYING PRELIMINARY AMENDMENT

Basic Fee		\$	740.00
Total Claims	1 - 20 = 0 x 18 =	\$	0.00
Independent Claims	1 - 3 = 0 x 80 =	\$	0.00
Total Filing Fee		\$	<u>740.00</u>

3. A check including the amount of \$740.00 is enclosed to cover the Filing Fee.

4. Cancel claims 2, and 4-20 before calculating the Filing Fee. A Preliminary Amendment is being filed herewith.

5. The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment, to Deposit Account No. 50-1417.

6. Amend the specification by inserting, before the first line:

--This application is a divisional application of U.S. Serial No. 09/247,809, filed February 11, 1999.--

7. New drawings are enclosed, eleven (11) sheets, Figs. 1-12.

8. The power of attorney is set forth in the Declaration in the prior application or an associate power of attorney is hereby granted to:

John R. Mattingly, Registration No. 30,293
Jeffrey M. Ketchum, Registration No. 31,174
Shrinath Malur, Registration No. 34,663
Daniel J. Stanger, Registration No. 32,846
Gene W. Stockman, Registration No. 21,021.

There is a change in the correspondence address.

Address all future correspondence to:

MATTINGLY, STANGER & MALUR
1800 Diagonal Road, Suite 370
Alexandria, Virginia 22314
(703) 684-1120.



24956

PATENT TRADEMARK OFFICE

Please associate this application with Customer No. 24956.


9. The prior application is assigned to Hitachi, Ltd. and Hitachi Communication Systems, Inc.

10. Priority of the following Japanese patent applications is claimed under 35 U.S.C. § 119:

10-038642, filed February 20, 1998.

The certified priority document has been filed in the parent application.

The undersigned hereby declares that no matter contained in the specification, including the claims, and drawings filed in the present continuation application would have been new matter in the prior application Serial No. 09/247,809, as originally filed on February 11, 1999.


John R. Mattingly
Registration No. 30,293
Attorney for Applicant(s)

MATTINGLY, STANGER & MALUR
1800 Diagonal Road, Suite 370
Alexandria, Virginia 22314
(703) 684-1120
Date: February 11, 2002